
SENATE BILL No. 484

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-202.5; IC 16-28.

Synopsis: Safety of health facility patients. Requires a health facility to: (1) isolate from other patients and monitor at all times a patient who physically or sexually abuses another patient or who has a history of sexually abusive or violent behavior; and (2) if abuse occurs, notify the state department of health and the family members or legal guardian of a patient who is physically or sexually abused by another patient. Classifies failure to isolate or monitor an abusive patient as an offense. Classifies a failure to notify as a deficiency. Requires the state department of health, within 10 days after receiving notice of an incident of abuse, to conduct a meeting with family members or the legal guardian of an abused patient and health facility staff. Permits the office of Medicaid policy and planning to withhold each month, to the extent permitted by federal law, a portion of the Medicaid reimbursement that would otherwise be paid to the health facility until the health facility has paid in full any fines levied against it by the state department of health.

Effective: July 1, 2001.

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January 22, 2001, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 484

A BILL FOR AN ACT to amend the Indiana Code concerning health facilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-202.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 202.5. "Licensee", for purposes**
4 **of IC 16-28-5, has the meaning set forth in IC 16-28-5-0.5.**

5 SECTION 2. IC 16-28-5-0.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2001]: **Sec. 0.5. As used in this chapter, "licensee" means a**
8 **person who holds a valid license issued under IC 16-28-2.**

9 SECTION 3. IC 16-28-5-5.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2001]: **Sec. 5.5. If:**

12 **(1) the state department imposes a fine against a health**
13 **facility under this article; and**

14 **(2) the health facility fails to pay all or any portion of the fine;**
15 **the state department shall notify the office of Medicaid policy and**
16 **planning of the health facility's failure to pay. The office of**
17 **Medicaid policy and planning shall withhold each month, to the**



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1 extent permitted by federal law, a portion of the Medicaid
 2 reimbursement that would otherwise be paid to the health facility
 3 until the health facility has paid the fine in full.

4 SECTION 4. IC 16-28-15 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2001]:

7 **Chapter 15. Patient Protection**

8 **Sec. 1. (a)** This section applies to a patient of a health facility
 9 who:

10 (1) physically or sexually abuses another patient of the health
 11 facility; or

12 (2) has a history of:

13 (A) sexually abusive; or

14 (B) violent;

15 behavior before becoming a patient of the health facility.

16 (b) A health facility shall:

17 (1) isolate from other patients; and

18 (2) monitor at all times;

19 a patient described in subsection (a).

20 (c) A violation of subsection (b) is an offense.

21 **Sec. 2. (a)** If a patient of a health facility is physically or sexually
 22 abused by another patient of the health facility, the health facility
 23 shall notify:

24 (1) the family or legal guardian of the patient who was
 25 abused; and

26 (2) the state department.

27 (b) A violation of subsection (a) is a deficiency.

28 **Sec. 3. (a)** If the state department is notified of an incident of
 29 physical or sexual abuse under section 2 of this chapter, the state
 30 department shall conduct a meeting to investigate the event and to
 31 determine any appropriate action required to prevent future
 32 abuse.

33 (b) The meeting required under subsection (a) must:

34 (1) be held within ten (10) days after the date the state
 35 department receives notice of the abuse; and

36 (2) include the following individuals:

37 (A) Family members or the legal guardian of the abused
 38 patient.

39 (B) Staff members of the health facility who were involved
 40 in the care of the abused patient.

41 (C) A representative of the state department.

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